IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 13287 of 2005

Between:

Merneedi Chakram W/o. Veerabhadra Rao, Cultivation,
R/o. Repuru, Kakinada Rural Mandal, East Godavari District.

..... PETITIONER

AND

1 The Deputy Commissioner, Endowments Department, Kakinada,
2 Mulukutla Atchutaramaiah Charities Trust, represented by its Manager, Kakinada,

East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, direction or order, especially one in the nature of writ of Certiorari calling for the records relating to O.A.No. 54 of 2004 on the file of the Deputy Commissioner, Endowment Department, Kakinada and consequently quash the order dt. 15-3-2005 at naught.

Counsel for the Petitioner: MR.S.SUBBA REDDY

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Standing Counsel for respondent No.2: SMT.N.INDRANI

The Court made the following:

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ORAL ORDER:

The grievance of the petitioner is that despite his appearance on all previous occasions before the 1st respondent in the course of enquiry under Section 83 of Act 30/87, on the ground that he was not present on 15.3.2005 alone, the matter was heard and decided in his absence on the same day.

2. Learned counsel for the petitioner submits that failure of his counsel to appear on 15.3.2005 is neither deliberate nor willful. He submits that for mere absence of the counsel on a single day of hearing, the petitioner cannot be deprived of an opportunity of being heard more so in view of the fact that on all earlier occasions the petitioner's counsel was present and the petitioner had filed his counter in response to the notice.

3. Smt.N.Indrani, learned Standing Counsel appearing for the 2nd respondent fairly concedes that it would be difficult to justify denial of opportunity of participating in the enquiry merely on the ground that the petitioner's counsel was absent for one day of hearing.

4. Heard the learned counsel for the petitioner, learned Government Pleader for Endowments for 1st respondent and Smt.N.Indrani, learned Standing Counsel for 2nd respondent and this Writ Petition is being disposed of with their consent at the admission stage.

5 . Sri S.Subba Reddy, learned counsel for the petitioner, on instructions, undertakes that the petitioner will be represented on all subsequent dates of hearing before the 1st respondent and that they will not unnecessarily seek adjournment or drag on the proceedings.

6. The order of the 1st respondent dated 15.3.2005 is set aside and the 1st respondent is directed to give an opportunity to the petitioner, conduct the enquiry and pass appropriate orders as expeditiously as possible not later than two (02) months from the date of receipt of a copy of this order. The petitioner undertakes to pay his admitted share of rent of Rs.9,000/- per year, while the respondents contend that the amount due is much more. The aforesaid order giving an opportunity of being heard to the petitioner shall be subject to the condition that the petitioner pays the entire arrears of the admitted amount of rent at Rs.9,000/- per annum, if not already paid.

7. With the directions indicated above, the Writ Petition is disposed of. No costs.

27.06.2005

SSR

Issue copy in a week.

(BO)

To

1 The Deputy Commissioner, Endowments Department, Kakinada,
2 The Manager, Mulukutla Atchutaramaiah Charities Trust, Kakinada,

East Godavari District.

3 2 CCs to G.P. for Endowments, High Court of A.P. Hyderabad. (OUT)

4 2 CD copies

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